

## **INDIVIDUALS AT O'BERRY NEURO-MEDICAL TREATMENT CENTER HAVE THE RIGHT TO:**

Live as normally as possible.

Be informed of his/her rights and to exercise these rights without interference, coercion, discrimination and reprisal.

Be treated with consideration, respect and full recognition of his/her dignity and individuality including privacy in treatment and in care of personal needs.

Receive age-appropriate treatment as detailed in an individual treatment/care plan within 30 days after admission; plan to be formulated by the treatment team.

Have an individualized post-institutional plan developed prior to discharge.

Have self-determination, to be present and actively involved in the formulation of treatment/care plans and other decisions concerning him/her. The right to have an in-house review of his/her individual care plan and/or to request the opinion of another person at no cost to the state. The right to have his/her care plan reviewed by the treatment team.

Be free from harm, mistreatment, abuse, neglect, and exploitation.

Be free from corporal punishment.

Send and receive unopened mail, have access to writing materials, postage, and staff assistance when necessary and have access to a schedule for collecting and distributing mail and packages.

Contact and consult with legal counsel, private physicians and Mental Health, Developmental Disability or Substance Abuse Professionals of his/her choice and at his/her own expense.

Receive compensation for work performed which is of economic value to the facility.

Have access to an Advocate.

Live in and receive care and treatment in a safe and sanitary environment.

Receive a balanced and nutritionally adequate diet which meets the individual dietary needs of the individual and meets the religious preference of the individual. No meal or portion of a meal can be denied an individual as means of discipline, for programmatic reasons or for other reasons unless part of an approved care plan and informed voluntary consent has been given.

Be free from excessive or unnecessary medication and to be free from medication issued as punishment or discipline.

Receive appropriate medical treatment and to be informed by a physician of their total health status and medical condition unless medically contraindicated, in a language he/she understands.

Be informed of services performed by the Center and access to all service delivery areas.

Receive co-educational programming and experiences.

Be considered legally competent unless adjudicated incompetent.

Suitably decorate his/her room or portion of a multi-individual room, with respect to the individual's choice, normalization principles, and with respect for the physical structure.

Exercise all civil rights and remedies.

Confidentiality with no unauthorized publicity on, use of, or discussion of his/her care, treatment or records without prior written consent.

Be free from treatment involving electroshock therapy, aversive stimulation, research, experimental drugs or procedures, or surgery (other than emergency surgery) without informed voluntary consent.

Be free from any physical or chemical restraints imposed for purposes of discipline or convenience, and not required to treat individual's medical symptoms.

Make and receive confidential telephone calls.

Receive visitors or refuse visitors at any time between the hours of 8:00 a.m. and 9:00 p.m.

Make visits outside the custody of the facility.

Be out-of-doors daily and have access to facilities and equipment for physical exercise several times a week.

Wear, keep and use their own clothing, personal hygiene items and personal possessions, unless this use infringes on the rights and safety of others.

Communicate and meet under appropriate supervision with persons of their own choice upon consent of such persons.

Participate in religious worship by choice.

Have access, keep and spend a reasonable sum of money, to manage his/her financial affairs or to have the facility manage his/her personal funds.

Be protected from theft, damage, destruction, loss and misplacement of personal clothing and possessions.

Obtain and/or retain a motor vehicle driver's license, unless otherwise prohibited.

Have individual, locked storage space accessible to the individual for his/her own use which will hold a reasonable amount of clothing and other personal possessions and staff assistance if the individual is unable, due to physical or mental inability, to manipulate the locking mechanism.

Consent to or refuse any treatment offered by the facility.

Receive necessary treatment for and prevention of physical ailments based on the individual's condition and projected length of stay.

Voice concerns or grievances without discrimination or reprisal and to receive prompt efforts by the facility to resolve such concerns or grievances.

Interact with members of the same or opposite sex and non-handicapped persons other than staff.

Be free from illegal search and seizure.

Be informed of any O'Berry Neuro-Medical Treatment Center policy or rule pertaining to them and the consequences for violations of each.

Access all records pertaining to him/her, including current clinical records within 24 hours (excluding weekends and holidays) and to purchase copies of them upon request.

Be free from excessive retribution or retribution which is not therapeutic in nature.

Formulate an advance directive in accordance with State law.

Be free from exclusion from ongoing programming as a result of inappropriate behavior unless part of an approved treatment plan and informed voluntary consent has been given.

Voluntarily discharge oneself.

Live in an unlocked environment or one as open as possible, compatible with individual needs.

In addition to the above rights for adults and minors, all individuals receiving specialized nursing services at OBNMTC are also afforded the following rights:

Access the most recent survey results of the facility.

Receive written notice and rationale for transfer to another treatment facility or within this facility within a reasonable time prior to the transfer unless the transfer is for emergency medical reasons.

Be transferred or discharged only for a) medical reasons; b) change in health status; c) benefit to his/her welfare; d) endangerment of the safety or health of other individuals, or non-payment except as prohibited by the Medicaid program.

Contact the Long Term Care Ombudsman program, Health Care Service Regulations, Disability Rights North Carolina and any other protection and advocacy network program.

Share a room with his/her spouse when married, when both spouses live in the same facility and when both consent to the arrangement.

Choose an attending physician, to know his/her name, specialty and means of contacting said physician.

Receive notice prior to the change of bedroom or roommate.

In addition to the above rights, minors are guaranteed the following rights at all times:

Receive special education and vocational education in addition to other forms of treatment.

Have access to proper adult supervision and guidance.

Have the parent or guardian present and actively involved in the development of the treatment/care plan and other decisions concerning care and treatment.

Have opportunities which would enable him/her to mature physically, emotionally, intellectually, socially, and vocationally.

**Disability Rights North Carolina**

2626 Glenwood Avenue Suite 550,

Raleigh, NC 27608

Toll-Free: (877) 235-4210

Phone: (919) 856-2195

Fax: (919) 856-2244

Email: [info@disabilityrightsn.org](mailto:info@disabilityrightsn.org)

**North Carolina Division of Aging and Adult Services**

**Long Term Care Ombudsman Program**

Eastern Carolina Council

Area Agency on Aging

P.O. Box 1717

New Bern, N.C. 28563

Toll Free: 1-800-824-4648

Telephone: (252) 638-3185

Fax: (252) 638-3187

**Division of Health Service Regulation**

Complaint Intake Unit

2711 Mail Service Center

Raleigh, NC 27699-2711

Complaint Hotline: 1-800-624-3004 (within N.C.) or 919-855-4500

Complaint Hotline Hours: 8:30 a.m. - 4:00 p.m. weekdays, except holidays.